

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-14001 of 2015 (O&M)

Date of Decision: May 14, 2015.

Bikkar Singh and another

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kuldeep Singh Saini, Advocate
for the petitioner (s).

Mr. Yogesh Gupta, A.A.G., Punjab.

Mr. Amandeep Singh Saini, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Heard.

Notice of motion.

On asking of the court, Mr. Yogesh Gupta, AAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

This is a petition under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.6

dated 11.10.2015 registered at Police Station Nurpur Bedi, District Ropar.

Learned counsel for the petitioners submits that initially the FIR was registered in this case for the offences punishable under Sections 307, 506 read with Section 34 IPC and Section 27 Arms Act, 1959. After the investigation, the challan has been presented for the offences punishable under Sections 336 and 506 read with Section 34 IPC. The matter has since been compromised and a petition bearing No.CRM-M-13585 of 2015 seeking quashing of the FIR based on compromise, has been filed, which is pending for 11.08.2015.

Learned counsel appearing for the complainant submits that the matter has since been amicably settled through a compromise.

However, learned State counsel states that he is not aware of any compromise.

It is a case of no injury. The police has found the allegations for the offence punishable under Section 307 IPC as uncorroborated while presenting the challan. The custody certificates produced on record show that petitioner Bikkar Singh after his arrest has undergone three months and 28 days of imprisonment, while Kulbir Singh has also undergone similar imprisonment till date.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioners Bikkar Singh and Kulbir Singh @ Bittu are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction

of Chief Judicial Magistrate/Duty Magistrate, Ropar subject to following terms:-

- a. The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh before the trial Court.
- c. They shall not leave the country without the previous permission of the Court.

May 14, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE